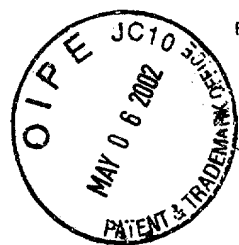


#4

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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☐ Declaration Submitted with Initial Filing OR ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

|                          |                           |
|--------------------------|---------------------------|
| Attorney Docket Number   | SMB-PT041 (P 02 048 M US) |
| First Named Inventor     | Peter Osypka              |
| <b>COMPLETE IF KNOWN</b> |                           |
| Application Number       | 10/062,114                |
| Filing Date              | January 31, 2002          |
| Group Art Unit           | Not Yet Known             |
| Examiner Name            | Not Yet Known             |

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**IMPLANTABLE STENT**

the specification of which

(Title of the Invention)

☐ is attached hereto  
OR☒ was filed on (MM/DD/YYYY)

01/31/2002

as United States Application Number or PCT International

Application Number

10/062,114

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed   | Certified Copy Attached?   |  |
|-------------------------------------|---------|----------------------------------|--|--|--|
|                                     |         |                                  |  | YES  | NO   |
| 101 05 160.3                        | Germany | 02/06/2001                       | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date (MM/DD/YYYY) | <input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto. |
|-----------------------|--------------------------|--|
|                       |                          |  |

[Page 1 of 2]

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I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application or PCT Parent Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number (if applicable) |
|--|---------------------------------|--------------------------------------|
|  |                                 |                                      |

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: ☒ Customer Number **3624** → ☐ Registered practitioner(s) name/registration number listed below

Place Customer Number Bar Code Label here

| Name  | Registration Number | Name | Registration Number |
|---|---------------------|------|---------------------|
| Namely, the Attorneys of Volpe and Koenig, P.C. |                     |      |                     |

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.Direct all correspondence to: ☒ Customer Number or Bar Code Label **3624** OR ☐ Correspondence address below

|         |                        |           |  |     |  |
|---------|------------------------|-----------|--|-----|--|
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| Address |                        |           |  |     |  |
| Address |                        |           |  |     |  |
| City    |                        | State     |  | ZIP |  |
| Country |                        | Telephone |  | Fax |  |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|  |                    |   |  |             |         |
|--|--------------------|---|--|-------------|---------|
| Name of Sole or First Inventor:        |                    | <input type="checkbox"/> A petition has been filed for this unsigned inventor |  |             |         |
| Given Name (first and middle (if any)) |                    | Family Name or Surname  |  |             |         |
| Peter                                  |                    | Osypka  |  |             |         |
| Inventor's Signature                   | <i>P. Osypka</i>   |   |  | Date        | 4/08/02 |
| Residence: City                        | Grenzach-Wyhlen    | State   |  | Country     | Germany |
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| City                                   | Grenzach-Wyhlen    | State   |  | ZIP         | D-79630 |
|  |                    |   |  | Country     | Germany |

☐ Additional inventors are being named on the supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto